

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
JOSE LUIS QUILES VAZQUEZ  
RAQUEL EUNICE DIETSCH MARTINEZ

DEBTOR (S)

CASE NO. 11-03226-SEK

CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$157,247.40**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,600.00    Fees paid: \$0.00    Fees Outstanding: \$2,600.00</b>
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With respect to the proposed (amended) Plan dated: **July 18, 2011** (Dkt 29). Plan Base: **17,640.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Insufficiently Funded : Fails CREDITORS' BEST INTEREST TEST [§1325(a)(4)]

The General Unsecured Pool is \$157,247.40, thus, Debtors have to pay to the general unsecured claims not less than the aforesaid amount. On June 16, 2011, Debtors filed a motion for entry of order allowing Debtors to make payment as per their Schedule I and J since their economical circumstances have changed. Debtors submitted evidence of their income to Trustee, therefore, the Trustee has no objection to Debtors' request. If this Honorable Court granted Debtors' motion, as of today, the Plan will be distributing at least 12% to the general unsecured claims.

- Feasibility [§1325(a)(5)]: Plan fails to provide for an allowed secured claim.

The plan fails for the payment of secured arrears to FirstBank (Claim 4).

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this July 19, 2011.

/s/ Mayra Arguelles -Staff Attorney

JOSE R. CARRION

CHAPTER 13 TRUSTEE

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